deal with such questions on their particular circumstances, rather than by absolute rules: *Thayer* v. *Badger,* 171 Mass. 279, 50 N. E. 541; *Robinson* v. *Simmons,* 146 Mass. 167, 4 Am. St. Rep. 299, 15 N. E. 558. Such compensation must be reasonable: *Cook* v. *Collingridge,* Jacob 624; and barely sufficient to remunerate the survivor for the actual services necessarily rendered or to save him from actual loss: *Hite* v. *Hite,* 1 B. Mon. 177. A different rule has been suggested as to non-trading partnerships where the profits of the firm are the result solely of professional skill and labor: *Sterne* v. *Goep,* 20 Hun. 396; but the adjudicated cases seem generally to make no such distinction: *Denver* v. *Roane,* 99 U. S. 355, 25 L. Ed. 476; *Little* v. *Cadwell,* 101 Cal. 553, 36 Pac. 107, 40 Am. St. Rep. 89. An exhaustive discussion of the whole subject with a collation of all the authorities and leading cases may be found in the note to *Williams* v. *Pederson,* 17 L. R. A. (N. S.) 399.

PLEADING—SPLITTING CAUSE OF ACTION—INJURIES TO PERSON AND PROPERTY.—Plaintiff ,while driving in his carriage, was run down by a trolley car of the defendant company; his horse and carriage were damaged, and the plaintiff himself was injured. Plaintiff sued and recovered for the injury to the horse and carriage and thereafter sued for the injury to himself. The District Court held that plaintiff could recover. The Supreme Court held the first judgment was a bar to the later suit. On appeal to the Court of Errors and Appeals: *Held,* it was not a bar and that both actions could be maintained. *Ochs* v. *Public Service Ry. Co.* (N. J. 1911) 80 Atl. 495.

There are two lines of authorities on this question:—one holding that it is the negligent act which gives rise to the cause of action, and therefore, as there is but the one negligent act, compensation for all damage resulting therefrom must be sought in the one suit. *Doran* v. *Cohen,* 147 Mass. 342; *King* v. *Chicago, M. & St. P. Ry. Co.,* 80 Minn. 83, 82 N. W. 1113; *Von Fragstein* v. *Windler,* 2 Mo. App. 598; the other holding that the test as to the number of causes of action is the number of primary rights of the plaintiff which have been invaded by the wrongful act of the defendant. *Brunsden* v. *Humphrey,* 14 Q. B. D. 141; *Reilly* v. *Sicilian Asphalt Paving Co.,* 170 N. Y. 40, 62 N. E. 772; *Watson* v. *Texas, etc. Co.,* 8 Tex. Civ. App. 144, 27 S. W. 924. These courts hold that by the negligent act of the defendant two primary rights of the plaintiff, the right of person and the right of property, have been invaded, and therefore the plaintiff has two causes of action. The court in the principal case reverses the holding in the Supreme Court (reported in 77 Atl. 533, and noted in 9 MICH. L. REV. 166), and cites and approves of the New York, English and Texas cases, *supra,* and says: "We are of the opinion that there is a clear distinction between the two classes of injuries and that it is the injury, and not alone the negligent act, which gives rise to the right of action, for a negligent act is not in itself actionable and only becomes so when it results in injury to another," and inasmuch as the legislature has created a different period of limitations within which suits may be brought for injuries to person and injuries to property "an inference may justly be drawn that the legislature considered that there was a plain distinction between them and legislated from that point of view."